

AMENDED IN ASSEMBLY AUGUST 24, 2009

AMENDED IN SENATE MAY 6, 2009

**SENATE BILL**

**No. 586**

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**Introduced by Senator Yee**

February 27, 2009

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An act to add Section 19622.5 to the Business and Professions Code, and to add Section 11011.27 to the Government Code, relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 586, as amended, Yee. State property: sale.

Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature.

This bill would require the director, prior to ~~an unspecified date~~ *January 1, 2012*, to sell, at fair market value, upon those terms and conditions determined by the director, a specified parcel of state property located in the County of San Mateo and the City and County of San Francisco to any interested party.

The bill would provide that the net proceeds of the conveyance would be paid into the Fair and Exposition Fund, a continuously appropriated fund, for the benefit of a specified district agricultural association, as provided, thereby making an appropriation. The bill would require reimbursement to the Department of General Services for any cost or expense incurred in the disposition of the property. This bill would also declare the Legislature's findings that the sale of this state property does not constitute a sale of surplus state property, as set forth in specified existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 19622.5 is added to the Business and  
2 Professions Code, to read:

3 19622.5. Pursuant to subdivision (c) of Section 19622.3,  
4 within 30 days of enactment of this section, the Department of  
5 Food and Agriculture, until \_\_\_\_\_ *January 1, 2010*, shall assume  
6 only the rights, duties, and powers of the board of directors of the  
7 District 1-A Agricultural Association associated with negotiating  
8 the sale of the real property of the District 1-A Agricultural  
9 Association.

10 SEC. 2. Section 11011.27 is added to the Government Code,  
11 to read:

12 11011.27. (a) The Director of General Services in consultation  
13 with the Department of Food and Agriculture, prior to \_\_\_\_\_  
14 *January 1, 2012*, shall enter into negotiations to sell, at fair market  
15 value with an all-cash sale or cash equivalent without any  
16 conditions relating to entitlements, to any interested third party,  
17 upon those terms and conditions and subject to those reservations  
18 and exceptions that the director determines are in the best interests  
19 of the state, the following real property:

20 Parcel A: Beginning at a point on the southerly line of Walbridge  
21 Street, now Geneva Avenue, with the easterly line of Carter Street  
22 (in the City and County of San Francisco); thence running easterly  
23 along the southerly line of Walbridge Street 980 feet; thence at a  
24 right angle south 19°35' west 600 feet; thence at a right angle north  
25 70°25' west 720 feet; thence at a right angle south 19°35' west 60  
26 feet; thence at a right angle north 70°25' west 260 feet; thence at  
27 a right angle north 19°35' east 660 feet along the easterly line of  
28 Carter Street to the point of beginning.

29 (b) A notice of every public auction or bid opening shall be  
30 posted on the parcel to be sold pursuant to this section and shall  
31 be published in a newspaper of general circulation published in  
32 the county in which the real property to be sold is situated.

1 (c) Notwithstanding the terms and conditions negotiated  
2 pursuant to subdivision (a), the director shall not sell the property  
3 identified in subdivision (a) for less than its fair market value.

4 (d) Fair market value shall be evaluated at the highest and best  
5 use of the property as entitled with its existing zone designation,  
6 generally required for all real estate appraisals and as governed by  
7 the Uniform Standards of Professional Appraisal Practice (USPAP).

8 (e) An agreement for the sale of the property identified in  
9 subdivision (a) shall require a purchaser to develop the property  
10 for uses consistent with the general plan of the City of Daly City,  
11 any amendment to that general plan, any specific plan amendments  
12 to any specific plan, and the Bayshore Revitalization  
13 Redevelopment Plan.

14 (f) The Department of General Services shall be reimbursed  
15 from the sale proceeds for any cost or expense incurred in the  
16 disposition of the property described in subdivision (a).

17 (g) The net proceeds of any moneys received from the  
18 disposition of any parcel of property described in subdivision (a)  
19 shall be paid into the Fair and Exposition Fund for the benefit of  
20 the District 1-A Agricultural Association.

21 SEC. 3. The Legislature finds and declares that the disposition  
22 of state property authorized in Section 2 of this act does not  
23 constitute a sale or other disposition of surplus state property as  
24 set forth in Section 9 of Article III of the California Constitution  
25 or subdivision (g) of Section 11011 of the Government Code.

26 SEC. 4. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety within  
28 the meaning of Article IV of the Constitution and shall go into  
29 immediate effect. The facts constituting the necessity are:

30 In order for the Director of General Services to sell the property  
31 described in Section 2 of this act at the earliest possible time, it is  
32 necessary that this act take effect immediately.